IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4994 OF 2005

Nimish Shah and Ors. ..Applicants

Vs.

Mr.Kishorekant Bhimji Sanghavi & Anr. ..Respondents

...

Mr.P.C.Kansara i/b Kansara & Thanekar Advocate for Applicants
Mr. D.P.Adsule,A.P.P. for the State

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : AUGUST 29,2005**

**P.C.**

1. Heard the learned advocate for the applicants-original accused nos. 7 and 8 and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai in C.C.No.3184/S/1999. In the said case process was issued against the applicant under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. It is clarified that this directions shall operate only in respect of the present applicants i.e. original accused nos. 7 and 8. The trial in respect of other accused may go on.

5. On the necessary revision being preferred by

the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]